

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AMERICAN CIVIL LIBERTIES UNION, et al. : CIVIL ACTION  
:   
v. : NO. 98-5591  
:   
ALBERTO R. GONZALES in his official capacity :   
as Attorney General of the United States :

**ORDER**

**AND NOW**, this 16th day of November, 2006, having heard further from the parties, it is hereby **ORDERED** that Paragraph 3 of this court's October 12, 2006 order (Doc. No. 335) is **VACATED** and shall be replaced with the following revised Paragraph 3:

3. Having reviewed the record, the pleadings and the positions of the parties regarding the legal issues (see Doc. No. 319, pp. 143-144), the court hereby concludes that the legal issues in this case are as follows:

- A. Whether each plaintiff will be able to continue to prove it has standing;
- B. Whether the standard of scrutiny to be applied to COPA is the strict scrutiny standard or the intermediate scrutiny standard;
- C. How to interpret COPA's statutory language including, but not limited to, whether COPA has extraterritorial application;
- D. Whether COPA is unconstitutional because it deprives adults of speech to which they are constitutionally entitled;
- E. Whether COPA is unconstitutionally overbroad on its face and as applied;
- F. Whether COPA is unconstitutionally vague;
- G. Whether plaintiffs have a First and Fifth Amendment right to communicate and access information anonymously over the web; and
- H. Whether COPA violates the First and Fifth Amendment rights of older minors.

S/ Lowell A. Reed, Jr.  
LOWELL A. REED, JR., S.J.